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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/728,689

12/01/2000

Eric T. Bax

INFOS 45077

5508

Mr. Eric Bax
iSpheres Corporation
640 Third Street
Oakland, CA 94607

7590

10/17/2007

EXAMINER

VAUGHN, GREGORY J

ART UNIT

PAPER NUMBER

2178

MAIL DATE

DELIVERY MODE

10/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/728,689	Applicant(s) BAX ET AL.	
	Examiner Gregory J. Vaughn	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/11/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Action Background

1. This action is responsive to the decision of the Office of Petitions related to petition to revive this application, said decision dated 9/21/2007.
2. The decision from the Office of Petitions, dated 9/21/2007, in response to the petition to revive the present application, has been granted. Therefore the abandonment dated 3/3/2006 is withdrawn. The petition to revive (dated 7/28/2006) included amended claims, and directed the examiner to applicant's arguments/remarks filed 12/14/2004.
3. Applicant has cancelled claims 1-42 and added new claims 43-46.
4. Claims 43-46 are pending in the case, claims 43 and 46 are independent claims.
5. Examiner's rejection of claims 1-13, made under 35 USC 101 in the *Claim Rejections – 35 USC 101* section of the previous office action (dated 6/17/2004) is withdrawn in view of the cancelled claims.
6. Examiner's rejection of claims 1, 14, 15, 28, 29 and 42, made under 35 USC 102 in the *Claim Rejections – 35 USC 102* section of the previous office action (dated 6/17/2004) is withdrawn in view of the cancelled claims.

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7. Examiner's rejection of claims 2-13, 16-27 and 30-41, made under 35 USC 103, as recited in the previous office action (dated 6/17/2004) are withdrawn in view of the cancelled claims.

Priority

8. As previously noted, applicant's claim for domestic priority of US provisional application 60/195,556, filed 4/6/2000, under 35 USC 119(e) is acknowledged.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."

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10. Claims 43-46 are rejected under 35 U.S.C. 102(e) as being anticipated by lizuka et al. US Patent 6,424,980, filed 6/9/1999, patented 6/23/2002 (hereinafter lizuka).

11. **Regarding independent claim 43**, lizuka is directed toward extracting records from structured text. lizuka recites: "*The present invention relates to an integrated retrieval scheme ... for retrieving required information item by item from a plurality of semi-structured documents*" (column 1, lines 10-15). lizuka discloses a preferred embodiment where a user queries the Internet for a PC (personal computer) that is priced less than 100,000 yen (see figure 3, and column 11, lines 34-61). lizuka's invention provides the user with a collective search result (column 11, lines 40-41). lizuka discloses identifying potential locations of values of record fields in the text in Figure 8 at reference sign S200 (shown as "*Find Locations of specified item from HTML Document Table*"). lizuka discloses a list of known potential values for record fields in Figure 4 at reference sign 15. lizuka discloses

lizuka discloses identifying a region of interest in the text by applying candidate region partitions, and segmenting the region of interest into record regions that contain data for a single record. lizuka recites: "*There is a conventional technique that creates a hypothetical database by mapping the internal structure of each document and relationships between documents into unique models, to extract itemized pieces of information. This technique was disclosed by N. Ashish and C. A. Knoblock in "Semi-automatic wrapper generation for internet information sources," Proceedings of Cooperative*

Information Systems, 1997. This technique considers a portion in HTML document as meaningful information, the portion has specific tags such as TITLE tag such as size, color, typestyle (e.g., bold and italic), and extracts these information automatically. This technique cover a case that minimum cluster of certain information is described in one HTML document, and a plurality of the HTML documents are described in mutually same format. This technique is, for example, effective when regionalized weather information is described in different HTML documents. However, this technique doesn't take into account a case that information is described as a list description such as table or clause in one HTML document" (column 2, lines 45-64).

lizuka discloses extracting the field values from record regions and outputting the extracted field values in Figure 9A (shown as the result screen for the PC query embodiment described above.

12. **Regarding dependent claims 44 and 45,** lizuka discloses identifying potential locations of values of records fields in the text by identifying locations in the text of patterns of potential values (claim 44) and locations in the text of numbers in a range (claim 45). lizuka discloses identifying patterns of potential values. lizuka recites: "*extracting item data from the acquired HTML document serving as first search result according to document structure data, selecting, if necessary, the extracted item data according to attribute data for the searching condition on the basis of corresponding retrieval pattern*" (column 7, lines 25-30). lizuka discloses identifying numbers

in a range. As described above in lizuka's preferred embodiment, the search for a PC is restricted to a range of numbers that is less than 100,000 yen.

13. **Regarding claim 46**, the claim is directed toward an apparatus for the method of claim 43, and is rejected with the same rationale.

Response to Arguments

14. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the canceling of these claims. The ground(s) of rejection for new claims 43-46 is described above.
15. Regarding the cited prior art of record (lizuka), applicant argues that: *"lizuka requires a system operator to enter parser metadata for each HTML page to indicate how to extract data from the page, but the present invention eliminates this requirement"* (page 1, first paragraph of the response filed 12/14/2004). Applicant is directed toward the rejection of claim 43, as stated above. lizuka does not require a user to intervene in the extraction process, as alleged by applicant. In lizuka, a user starts the process by providing a query, for example to find *"a PC for less than 100,000 yen"* (see figure 3 and column 11, lines 35-60), where the result is outputted to the user (see figure 9A). Applicant's originally filed specification is directed toward an embodiment where *"a user is interested in gathering information about cars from several car-related web sites"* (page 1, lines 17-18 of the specification). Hence,

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applicant's invention, and lizuka are both directed toward a user setting up the boundaries, or domain, for which the data extraction is to be implemented.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

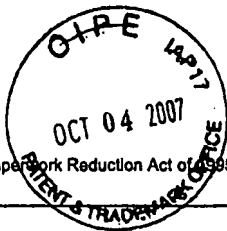
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
Patent Examiner
October 9, 2007


STEPHEN HONG
SUPERVISORY PATENT EXAMINER



PTO/SB/08a (05-07)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		09728689
	Filing Date		2000-12-01
	First Named Inventor	Eric T. Bax	
	Art Unit	2178	
	Examiner Name	Gregory J. Vaughn	
	Attorney Docket Number	406301-US-NP (iSpheres 1)	

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
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GV	1	WO 2001/077900 A3	WO	A3	2001-10-18			<input type="checkbox"/>
GV	2	IPER for PCT/US01/11325	WO		2004-05-11			<input type="checkbox"/>

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NON-PATENT LITERATURE DOCUMENTS								
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	09728689
Filing Date	2000-12-01
First Named Inventor	Eric T. Bax
Art Unit	2178
Examiner Name	Gregory J. Vaughn
Attorney Docket Number	406301-US-NP (iSpheres 1)

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		<input type="checkbox"/>

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	10/15/07
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

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